IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4791 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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V B LAKHE

Versus

COMMISSIONER OF POLICE

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Appearance:

MR Shukla for Mr. YN OZA for Petitioner

Mr.K.P. Raval, ASSTT GOVERNMENT PLEADER for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 20/01/2001

ORAL JUDGEMENT

Today, Mr.Shukla for Mr.Y.N. Oza, learned advocate was heard for the petitioner. The case of the petitioner is that on 3.10.1982 the petitioner was

promoted to the post of PSI and sent for training. On completion of said training he was posted at Karanj Police Station. Once he was posted at Karanj Polices Station, he stood transferred on promotion. Therefore, he was required to vacate the quarter allotted to him at Surat in accordance with the rules governing the subject. He continued to occupy said quarter until he vacated the same on 15.7.1986.

2. The present petition is filed challenging the order dated 30.4.1987. It is prayed that the same be quashed and set aside. The perusal of order dated 30.4.1987 reveals that the petitioner was given a notice to vacate the quarter on 26.3.1984. Thereafter, repeated orders dated 19.4.1985, 29.1.1986 and 3.7.1986 followed asking the petitioner to vacate the quarter. It is also recorded in order dated 30.4.1987 that the petitioner was occupying the quarter under a wrong pretext. Therefore, market rent became leviable from him for the period for which he was in unauthorised occupation of the same. The period for which the petitioner was in unauthorised occupation is from 1.6.1984 to 14.7.1986, as the quarter came to be vacated on 15.7.1986.

3. Mr.Shukla, learned advocate is not able to point out any distinguishing feature from the present case on the basis of which the judgement of this Court in Special Civil Applications Nos.2591 of 1987 and 3048 of 1991 referred to hereinabove will not made applicable. This Court in its well considered judgement making reference to the relevant regulations/ circulars has come to the conclusion that once an employee is transferred he has to vacate the quarter as per the policy of the Government, failing which he is required to pay the amount fixed by the Government. It may also be noted here that in para 10 of the said judgement the Court has made a reference to Letters Patent Appeal No.608 of 1997 decided on 12.1.2000.

4. In the result this Special Civil Application stands dismissed. Rule is discharged. Interim relief is vacated. No order as to costs.

(Ravi R. Tripathi, J.)

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